

REMARKS

Applicants appreciate the thorough examination of the present application, as evidenced by the final Official Action. The final Official Action now rejects Claims 1-3, 5-7, 11-14, 16 and 17 under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 6,304,851 to Ferguson. In addition, the final Official Action rejects Claims 4, 8-10, 12, and 15 under 35 U.S.C. §103(a) as being unpatentable over the Ferguson patent, in view of U.S. Patent Application Publication No. 2002/0184246 to Shkolnik. As explained below, Applicants respectfully submit that the claimed invention of the present application is patentably distinct from the Ferguson patent and the Shkolnik patent, taken individually or in combination. Nonetheless, to advance prosecution of the present application, Applicants have amended independent Claims 1, 5 and 11, as well as dependent Claims 2-4, 6-8 and 12-17, to more clearly define the claimed invention and correct a number of inadvertent grammatical errors. Applicant notes that the grammatical amendments to the claims constitute non-narrowing amendments because such amendments merely correct inadvertent grammatical errors. In view of the amendments to the claims and the remarks presented below, Applicants respectfully request reconsideration and allowance of all of the pending claims of the present application.

I. REQUEST FOR TELEPHONE INTERVIEW

Applicants' counsel hereby requests a telephone interview after the Examiner has had an opportunity to review the remarks provided below. Such an interview would be brief and would focus only on the current rejections and cited references. Applicants' counsel, Andrew Spence, can be reached at 704-444-1411.

II. THE CLAIMED INVENTION IS PATENTABLE OVER FERGUSON AND SHKOLNIK

The final Official Action rejects Claims 1-3, 5-7, 11-14, 16 and 17 as being anticipated by the Ferguson patent. In this regard, the Ferguson patent generally discloses a method and apparatus for asynchronous network collaboration. As disclosed, a user selects a problem to be solved by users collaborating across a network, where the problem can be determined by an individual, committee or the like. In response to the selected problem, each of a number of

network users develop and submit initial proposed solutions to a central server. After the initial proposed solutions are submitted, the central server distributes the initial proposed solutions to each of the network users. In turn, each network user reviews and ranks the initial proposed solutions to thereby determine a narrowed group of proposed solutions that will proceed to the next "round" of review. As with the initial proposed solutions, the narrowed group of proposed solutions is distributed to each of the network users. The network users can then update or otherwise modify one or more statements of the proposed solutions, after which the updated proposed solutions are submitted to the central server. The central server distributes the updated proposed solutions for ranking by the network users to again determine a narrowed group of proposed solutions. The process can then repeat for a number of iterations until a "final" proposal is developed based upon statements from the proposed solutions remaining at that instant.

Amended independent Claim 1 of the present application provides a method of collaboratively identifying, prioritizing, and resolving issues affecting a series of similar complex systems administered by an originating entity. As recited, the method is implemented over a computer network in communication with a first computer device adapted to be used by a customer in possession of a system in the series, a second computer device being adapted to be used by the originating entity, and a third computer device being adapted to be used by a committee including a customer representative and an originating entity representative. The method includes receiving, from the customer and/or the originating entity, an issue and/or a comment corresponding to the issue over the computer network onto a discussion-capable electronic media configured to have a plurality of issues and a plurality of comments posted thereon.

As also recited by amended independent Claim 1, the committee accesses the electronic media via the third computer device to separate the posted issues into rejected issues and action issues at least partially based on the posted comments. In addition, the committee accesses the electronic media to prioritize the action issues. As amended, for each of a plurality of action issues, based upon the priority determined by the committee, the committee assigns an action issue to either (i.e., one of) the customer or the originating entity to thereby have a resolution

investigation conducted thereon. In this regard, the committee sends, along with the action issue, a set of resolution directions for conducting the resolution investigation for the assigned action issue. In response to the resolution investigation, resolution proposal is received for the action issue from the customer or the originating entity assigned the respective action issue. The resolution proposal is accessible by the committee to evaluate the resolution proposal. The committee directs implementation of the resolution proposal for the evaluated action issue, and then directs closure of the action issue upon completion of implementation.

In contrast to the claimed invention of amended independent Claim 1, the Ferguson patent does not teach or suggest separating posted issues into rejected issues and action issues, and prioritizing the action issues. As explained above, the Ferguson patent does disclose a technique for collaboratively solving a problem. In accordance with the Ferguson patent, the problem is “determined by an individual such as a project manager, or by other conventional means, such as a committee.” Ferguson ‘861 Patent, col. 5, ll. 59-63. At best, then, the Ferguson patent discloses that the selected problem is determined by an individual or a committee. The Ferguson patent does not disclose, however, that the individual or committee determines a problem by separating posted problems into rejected problems and action problems, and prioritizing the action problems, in a manner similar to the issues of the claimed invention of amended independent Claim 1.

The Ferguson patent does disclose that network users submit proposed solutions for the selected problem, where the solutions are thereafter ranked and updated in a series of iterations to narrow down the proposed solutions to a “final” proposed solution. Even in this instance, however, the Ferguson patent is directed to a technique for solving a selected problem via an iterative technique including ranking a number of proposed solutions, as opposed to ranking a number of problems, in a manner similar to prioritizing the action issues as in the claimed invention. In this regard, for the Ferguson patent to be reasonably asserted to anticipate the limitation of prioritizing action issues, the proposed solutions of the Ferguson system must correspond to action issues of the claimed invention. However, such an interpretation is not consistent with the Ferguson system developing and updating proposed solutions to a selected

issue, or consistent with the claimed invention receiving a resolution proposal for the action issue.

Not only does the Ferguson patent not teach or suggest separating posted issues into rejected issues and action issues, and prioritizing the action issues, the Ferguson patent also does not teach or suggest assigning a customer or originating entity to conduct a resolution investigation for an action issue, and sending, with the assigned issue, a set of resolution directions for conducting the resolution investigation, as also recited by amended independent Claim 1. In accordance with the Ferguson system, proposed solutions are developed and updated by a plurality of network users. However, none of the network users are described as being a customer in possession of a system in a series of similar complex systems affected by the action issue, as in the claimed invention. Also, none of the network users are described as being an originating entity administering the series, as also in the claimed invention. Further, even if at least one of the network users could be considered a customer or originating entity, the Ferguson patent does not teach or suggest that the respective network users receive a set of resolution directions for conducting a resolution investigation, as recited by amended independent Claim 1. It could be suggested that the Ferguson patent discloses sending directions for submitting and ranking proposed solutions to a selected problem. Even in this instance, however, the Ferguson patent does not teach or suggest sending directions for conducting an investigation from which the proposed solutions are developed, in a manner similar to the set of resolution directions for conducting a resolution investigation recited in amended independent Claim 1.

Applicants therefore respectfully submit that the claimed invention of amended independent Claim 1 is patentably distinct from the Ferguson patent. Applicants also respectfully submit that amended independent Claims 5 and 11 recite subject matter similar to that of amended independent Claim 1. That is, amended independent Claims 5 and 11 recite separating posted issues into rejected issues and action issues, and prioritizing the action issues. In addition amended independent Claims 5 and 11 recite assigning a customer or originating entity to conduct a resolution investigation for an action issue, and sending, with the assigned issue, a set of resolution directions for conducting the resolution investigation. Applicants therefore respectfully submit that amended independent Claims 5 and 11 are patentably distinct

from the Ferguson patent for at least the same reasons given above with respect to amended independent Claim 1. As such, Applicants respectfully submit that the rejection of Claims 1-3, 5-7, 11-14, 16 and 17 under 35 U.S.C. §102(e) as being anticipated by the Ferguson patent, is overcome.

The final Official Action also rejects Claims 4, 8-10, 12, and 15 as being unpatentable over the Ferguson patent, in view of the Shkolnik patent. The Shkolnik patent discloses a multi-disciplinary project integration system for designing a vehicle such as an aircraft. Generally, as disclosed, an object-oriented database serves as an index to a planned vehicle by including, for each major element of a vehicle, a record of information. The record, in turn, includes information on the integration of the element within the vehicle and references to workers and documents related to the element. Like the Ferguson patent, Applicants respectfully submit that the Shkolnik patent does not teach or suggest separating posted issues into rejected issues and action issues, and prioritizing the action issues, as recited by amended independent Claims 1, 5 and 11. In addition, the Shkolnik patent does not teach or suggest assigning a customer or originating entity to conduct a resolution investigation for an action issue, and sending, with the assigned issue, a set of resolution directions for conducting the resolution investigation, as also recited by amended independent Claims 1, 5 and 11.

Since neither of the references teach or suggest several elements of the claimed invention, Applicants respectfully submit that neither the Ferguson patent nor the Shkolnik patent, individually or in combination, teach or suggest the claimed invention of amended independent Claims 1, 5 and 11. Accordingly, Applicants respectfully submit that by dependency neither the Ferguson patent nor the Shkolnik patent, individually or in combination, teach or suggest the claimed invention of Claims 2-4, 6-10 and 12-17, for at least the same reasons given above with respect to amended independent Claims 1, 5 and 11. As such, Applicants respectfully submit that the rejection of Claims 4, 8-10, 12, and 15 under 35 U.S.C. §103(a) as being unpatentable over the Ferguson patent, in view of the Shkolnik patent, is overcome.

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CONCLUSION

In view of the amendments to the claims and the remarks presented above, Applicants respectfully submit that the present application is in condition for allowance. As such, the issuance of a Notice of Allowance is therefore respectfully requested. In order to expedite the examination of the present application, the Examiner is encouraged to contact Applicants' undersigned attorney in order to resolve any remaining issues.

It is not believed that extensions of time or fees for net addition of claims are required, beyond those that may otherwise be provided for in documents accompanying this paper. However, in the event that additional extensions of time are necessary to allow consideration of this paper, such extensions are hereby petitioned under 37 CFR § 1.136(a), and any fee required therefore (including fees for net addition of claims) is hereby authorized to be charged to Deposit Account No. 16-0605.

Respectfully submitted,



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